

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. MUHAMMAD, :
: Plaintiff, : No. 19-CV-3258 (GBD) (OTW)
: -against- : **AMENDED ORDER**
ANTHONY J. ANNUCCI, et al., :
: Defendants. :
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ONA T. WANG, United States Magistrate Judge:

This Order supersedes ECF 90. On January 17, 2020, I issued a Report and Recommendation which was subsequently adopted by Judge Daniels at ECF 42, recommending dismissal of the initial complaint but allowing amendment for the limited purpose of pleading “facts showing discriminatory animus or a violation of a fundamental right” in Defendants’ refusal to provide a substitute cane on December 9, 2017. ECF 40 at 17.

On July 6, 2020, Plaintiff filed his Amended Complaint. (ECF 48). From July 13-20, 2020, Plaintiff filed numerous documents in furtherance of a motion for default judgment. See ECF 49-52, 55-60, 62-66. Due to a docket that has seen numerous filings in the last two years that did not advance the case, and a lack of clarity as to the operative complaint in this case, I issued an order directing Defendants to respond to the complaint by March 18, 2022. (ECF 69).

On March 17, 2022, Defendants filed a motion to dismiss. (ECF 74-78). Plaintiff sought an extension of time to respond to the motion to dismiss, and was granted an extension until June 30, 2022. (ECF 81). On June 28, 2022, Plaintiff filed another “Motion for Default Judgment,” (ECF 82-85), which appears to be an opposition to Defendants’ motion, but also

seeks a “Default judgment” of \$122 million against all Defendants.

To the extent that ECF 82-85 is a new motion for default, it is denied. *See, e.g., Jiggetts v. United Parcel Service*, No. 14cv8291, 2017 WL 222118 at * 2 (S.D.N.Y. Jan. 17, 2017) (finding default was not warranted even where defendants filed a tardy motion to dismiss; noting that defendants “have actively participated in this case for years”). Given the timing of the filing of ECF 82-85, the Court will consider this filing in connection with Defendants’ motion to dismiss. Additionally, Plaintiff has an extended date of **December 19, 2022**, to file any other papers in opposition to Defendants’ motion to dismiss. (ECF 89). Any additional filings addressed to the pending motion to dismiss must state that they are in opposition to the motion and must be filed no later than **December 19, 2022**.

Upon review of the docket, the Court notes that many of Plaintiff’s filings contain ad hominem attacks on Defendants and Court staff. Plaintiff is reminded to treat opposing litigants, counsel, and Court staff, with civility and professionalism.

The Clerk of Court is respectfully directed to close ECF 82 and 83, and to mail a copy of this Order to *pro se* Plaintiff.

SO ORDERED.

Dated: October 24, 2022
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge